

REMARKS

Pending Claims

In this application, claims 1, 3, 8-16 are currently pending. Claims 1, 9, 10, 11, and 12 are amended by this Response. Entry of these amendments is respectfully requested.

Claim Objections and Rejection under 35 U.S.C. §112

Claims 9 and 10 have been amended to remove the word “preferably”, thereby addressing the claim objections and rejections under §112.

Art Rejections

The Examiner has rejected all of the previously pending claims as being obvious in light of Pearson, U.S. Pub. 2003/0212394 or Pearson in combination with Weber or Gisselberg. Each independent claim is amended herein and therefore the rejections with respect thereto are moot. Nevertheless, the Applicant offers observations regarding the patentability of the newly amended claims over Pearson, the primary reference relied upon.

Pearson does not show or suggest a device having an electrode on the “outside of the shaft”, as recited in independent claims 1, 11 and 12. The Examiner interprets Pearson’s element 18 to be a shaft and an electrode. Accordingly, Pearson’s shaft IS the electrode and therefore Pearson’s electrode is not outside of its shaft, by definition. Further, claim 1 is amended to recite that the marker is on “the inside wall of the casing”. Effectively, a portion of the casing lies between the electrodes and the lumen. Thus the casing serves as a barrier between the shaft and those things that might be carried within the lumen, such as electrode lines and coolant lines. Pearson offers no such structure and therefore fails to provide the advantages achieved by Applicant’s claimed arrangement.

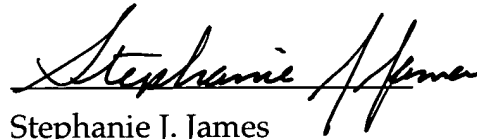
Therefore the Applicant respectfully submits that the independent claims are patentably distinct over the cited art. The remaining claims depend directly or indirectly from one of the independent claims and, therefore, are submitted to be patentably distinguishable for at least the reasons described with respect to the independent claims.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
Celon AG
By its attorneys:

Date: 4/15/09

A handwritten signature in cursive script, appearing to read "Stephanie James", written over a horizontal line.

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